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ABSTRACT

Intended for occupational education personnel in New York State, the paper reviews some of the language and concepts of special education as it relates to legislation and terminology, for the purpose of providing a base to build upon in the provision of educational programs for the handicapped population. The Education for All Handicapped Children Act (P.L. 94-142) is briefly reviewed, along with Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) and some New York State legislation. Concepts defined in terms of both New York and federal legislation include due process, free appropriate public education, least restrictive environment, and individualized education program. The labels "learning disabled", "emotionally disturbed", "educable mentally retarded", "trainable mentally retarded", "visually impaired", and "hearing impaired" are defined according to New York State legislation. The following national and New York organizations are briefly described: the Bureau of Education for the Handicapped, the Special Education Instructional Materials Center, the Office of Education for Children with Handicapping Conditions, the Office of Vocational Rehabilitation, the Council for Exceptional Children, and the National Association of State Directors of Special Education, Inc. The federal definition of developmental disabilities is also provided. (DLS)

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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A PRIMER ON THE LANGUAGE OF SPECIAL EDUCATION FOR OCCUPATIONAL EDUCATION PERSONNEL

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September 1978

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EC111504

The ability to understand and maybe speak someone else's language often times helps in bridging the communication gap.

The following information was gathered to assist in developing a knowledge of some of the language of the Special Education area as it relates to legislation and terminology.

No attempt has been made to be inclusive but simple provide a base to build upon as we work cooperatively to provide educational programs for the handicapped population.

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PL 94-142 EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

The federal Education for All Handicapped Children Act (P.L. 42-142) is the result of nearly 4 years of intensive legislative development, culminating when President Gerald Ford affixed his signature to this historic legislation on November 29, 1975. After extensive hearings conducted by both Chambers of the Congress, hearings held in Washington, D.C. and around the nation, the Senate version of P.L. 94-142 (S.6) was approved on June 18, 1975, by a vote of 83 to 10. Approximately one month later, on July 29, the House of Representatives followed suit, approving its version by a vote of 375 to 44.

Subsequently, the joint House-Senate compromise bill, usually referred to as the "conference agreement," was approved by even larger margins. The House affirmed the conference agreement by a lopsided 404 to 7, 29 more votes of approval than the bill enjoyed at first passage. The Senate followed with an equally overwhelming "aye" of 87 to 7.

SECTION 504 of PUBLIC LAW 93-112 (THE REHABILITATION ACT of 1973)

"No otherwise qualified handicapped individual...shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

Besides Section 504 of P.L. 93-112, Sections 502 and 503 will also be of interest to state and local educational personnel. Section 502 mandates the elimination of architectural barriers which would make buildings inaccessible to the handicapped and creates the Architectural and Transportational Barriers Compliance Board. Section 503 states that any Federal contractor (with a contract in excess of $2,500) must take affirmative action to employ the handicapped.

CHAPTER 853 LAWS OF NEW YORK, 1976

AN ACT to amend the education law, in relation to providing for the education of children with handicapping conditions; repealing article eighty-nine thereof relating thereto; and to amend the family court act, in relation to the jurisdiction and powers of the court respecting mentally retarded children, physically handicapped children and handicapped children; repealing sections two hundred thirty-one, two hundred thirty-two, two hundred thirty-three, two hundred thirty-four and subdivision (c) of section two hundred thirty-five thereof relating thereto; and making appropriations therefor.

Became a law July 26, 1976 with the approval of the Governor. Passed by a majority vote, three-fifths being present.

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

The Regents of the University of the State of New York and the Commissioner of Education have long been authorized by the Legislature, in a number of statutory enactments over the years, to promulgate Rules of the Regents and Regulations of the Commissioner for the purpose of implementing statutory provisions. Those Rules and Regulations, when filed with the Secretary of State, have the force and effect of law.

HANDICAPPED FEDERAL REGULATIONS P.L. 94-142

121a.5 Handicapped Children

(a) As used in this part, the term "handicapped children" means those children evaluated in accordance with 121a.530-121a.534 as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

A handicapped child means a person under the age of 21 who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical, or emotional reasons, or because of a specific learning disability can receive appropriate educational opportunities from special services and programs to include but not limited to, transportation, special classes, part-time programs, resource programs, alternate learning centers, home instruction and special teachers; State-operated or State-supported special schools or other special facilities; pupil personnel services; and/or those services, facilities or programs which can be obtained through contracts with boards of cooperative educational services, public school districts, approved non-public schools, or other agencies approved by the department.

DUE PROCESS P.L. 94-142 PROCEDURAL SAFEGUARDS

Sec. 615(a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this part shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

FEDERAL REGULATIONS--P.L. 94-142
Subpart E--Procedural Safeguards

Due Process Procedures for Parents and Children
121a. 500.

PART 200 COMMISSIONER'S REGULATIONS--
200.5 Procedural Due Process

(a) A committee on the handicapped must fully notify a parent in writing that evaluative information is being sought regarding a child thought to be handicapped. A description of the proposed evaluation shall be included in the notice together with the uses to be made of the information. A written consent must be obtained from the parent prior to initiation of a pre-placement evaluation for potential placement in a special education program. Any change within a child's special education program, as distinguished from program placement, shall not be subject to parental consent. However, such changes are subject to prior notice to the parent.

(1) evaluation means any procedures, tests, or assessments used selectively with an individual child and does not include basic tests administered to, or procedures used with all children in a school, grade or class.

(2) In the event the parent does not grant consent for evaluation, the chief school officer may delegate authority to the principal of the school which the child attends to hold an informal conference.

FAPE

P.L. 94-142 FREE APPROPRIATE PUBLIC EDUCATION

"The term 'free appropriate public education' means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the State involved, and (D) are provided in conformity with the individualized education program required under section 614(a) (5).

FEDERAL REGULATIONS P.L. 94-142
121a.4 Free Appropriate Public Education

As used in this part, the term "free appropriate public education" means special education and related services which:

(a) Are provided at public expense, under public supervision and direction, and without charge.

(b) Meet the standards of the State educational agency, including the requirements of this part.

(c) Include preschool, elementary school, or secondary school education in the State involved, and

(d) Are provided in conformity with an individualized education program which meets the requirements under 121a.340-121a.349 of Subpart C.

LRE LEAST RESTRICTIVE ENVIRONMENT

FEDERAL REGULATIONS P.L. 94-142
121a. 550 General

(a) Each State educational agency shall insure that each public agency establishes and implements procedures which meet the requirements of 121a. 550-121a. 556.

(b) Each public agency shall insure:
(1) That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and

(2) That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

IEP P.L. 94-142 INDIVIDUALIZED EDUCATION PROGRAM

The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

FEDERAL REGULATIONS P.L. 94-142
Individualized Education Programs

121a. 340 Definition
As used in this part, the term "individualized education program" means a written statement for a handicapped child that is developed and implemented in accordance with 121a.341-121a.349.

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

(f) Individualized education program. Each board of education shall provide for the preparation of an individualized education program for each handicapped pupil, in accordance with the provisions of this subdivision. The individualized education program shall be a written statement to meet the unique needs of each handicapped pupil, which shall be developed in a planning conference. An individualized education program shall be prepared at the time the child enters a special education program, and shall be reviewed, and if appropriate, revised periodically, but not less than annually.

(1) Content of individualized education program. The individualized education program shall include:

(i) A statement of present levels of educational performance of such pupil.

(ii) A statement of annual goals, including short-term instructional goals.

(iii) A statement of the specific educational services and instructional materials to be provided to such pupil, and the extent to which the pupil will be able to participate in regular education programs.

(iv) The projected date for initiation, and anticipated duration of such services.

(v) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

BEH (BEEP) BUREAU OF EDUCATION OF THE HANDICAPPED

That Unit in H.E.W.--Office of Education responsible for Educational programs for the Handicapped.
Bureau of Education for Exceptional Persons
Proposed name change so that the Unit can focus on all ages and exceptionalities.

SEIMC — SPECIAL EDUCATION INSTRUCTIONAL MATERIALS CENTER

Resource network of 50 centers located in BOCES and the Big 5 Cities providing a wide array of resources for teachers. The network's central office is at 55 Elk Street, Albany, New York.

OECHC — OFFICE OF EDUCATION FOR CHILDREN WITH HANDICAPPING CONDITIONS

The Unit in the New York State Education Department responsible for educational programs for handicapped children.

OVR — OFFICE OF VOCATIONAL REHABILITATION

The New York State Office of Vocational Rehabilitation serves emotionally, mentally, physically handicapped people through this public program.

Vocational rehabilitation is a process designed to develop, improve, and restore a handicapped person's ability to work.

DD — FEDERAL DEFINITION OF DEVELOPMENTAL DISABILITIES - P.L. 94-103

The term 'developmental disability' means a disability of a person which--"(A) (i) is attributable to mental retardation, cerebral palsy, epilepsy, or autism;
"(ii) is attributable to any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or
"(iii) is attributable to dyslexia resulting from a disability described in clause (i) or (ii) of this subparagraph;
"(B) originates before such person attains age eighteen;
"(C) has continued or can be expected to continue indefinitely; and
"(C) constitutes a substantial handicap to such person's ability to function normally in society.

CEC — THE COUNCIL FOR EXCEPTIONAL CHILDREN

A national organization of sixty-three thousand members which functions in various areas of Special Education. The membership can belong to any one of twelve divisions ranging from Administration to Career Development.

The CEC is the ERIC Clearinghouse on Handicapped and Gifted Children. Activities include Journals, Research Publications, National Conferences, and Training Institutes on various topics and concerns of Special Education.

NASDSE — THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION, INC.

The National Association of State Directors of Special Education, Inc. is comprised of personnel within education agencies having responsibilities for the education of exceptional children (both handicapped and gifted) in the 50 states, American Samoa, Bureau of Indian Affairs, District of Columbia, Guam, Puerto Rico, Trust Territories and the Virgin Islands. Since 1938, NASDSE has addressed critical issues involving the education of exceptional children and has maintained close liaison with governmental, professional and private agencies and organizations which work with and for exceptional individuals.

LD — LEARNING DISABLED

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. A child who exhibits a discrepancy of 50 percent or more between expected achievement based on his intellectual ability and actual achievement, determined on an individual basis, shall be deemed to have a specific learning disability.

ED — EMOTIONALLY DISTURBED

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

Emotionally disturbed--a child whose condition has been determined to be such by a school psychologist, a psychiatrist, or by an approved mental health clinic.

EMR EDUCABLE MENTALLY RETARDED

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

Educable mentally retarded - a child who on the basis of a comprehensive evaluation, such evaluation to include an individual psychological examination, is determined to possess general intellectual capacity that falls lower than 1.5 standard deviations below the mean of the general population, cannot profit from regular classroom instruction, but may be expected to profit from a special education program.

TMR TRAINABLE MENTALLY RETARDED

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

Trainable mentally retarded - a child who, on the basis of a comprehensive evaluation, such evaluation to include an individual psychological examination, is determined to possess general intellectual capacity that falls lower than three standard deviations below the mean of the general population, cannot profit from programs established for the educable mentally retarded, but may be expected to profit from a special education program for the trainable.

VI VISUALLY IMPAIRED

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

Visually impaired - a legally blind child with the visual capacity of 20/200 or less in the better eye with the best correction, or a field of vision restricted to a 20 degree arc.
(ii) Partially sighted--a child whose visual acuity in the better eye with best correction ranges between 20/70 and 20/200, including those children who can still function capably with their residual vision and who have a medically indicated progressive visual loss, or a recurring serious medical eye problem affecting acuity and operable eye diseases.

HI HEARING IMPAIRED

PART 200 COMMISSIONER'S REGULATIONS--NEW YORK STATE

Hearing impaired--a child with hearing handicap in the 40 and above decibel range (ISO) whose hearing loss precludes his functioning normally in a regular classroom situation without the supportive services of a resource program.